

AMENDED IN ASSEMBLY MAY 13, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 82**

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**Introduced by Assembly Member Cristina Garcia  
(Coauthor: Assembly Member Chávez)**

January 6, 2015

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An act to add Section 12801.3 to the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 82, as amended, Cristina Garcia. Vehicles: driver's license: selective service.

Existing law establishes the practices and procedures for the issuance of an original or a renewal of a driver's license. The federal Military Selective Service Act requires specified persons to register with the federal Selective Service System.

This bill ~~would~~ *would, except as specified*, require a person who is required to be registered under the federal act and who submits an application for an original driver's license to be deemed to have consented to registration with the federal Selective Service System, as provided. The bill would require the Department of Motor Vehicles to include specified notices on an application for an original driver's license and would require the ~~department~~ *department, at least monthly*, to forward the necessary personal information required for registration to the federal Selective Service System in an electronic format.

This bill would require the Department of Motor Vehicles to implement the provisions of this bill by a certain date only if the first

year operating costs do not exceed \$350,000, federal funding in an amount sufficient to pay for those costs has been provided, as specified, and the federal Selective Service System executes a memorandum of understanding with the department that it will not refer the personal information required for registration to the United States Citizenship and Immigration Services.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the  
2 following:
- 3 (a) California has one of the lowest Selective Service System  
4 registration compliance rates in the nation.
- 5 (b) Males who are between 18 and 26 years of age who fail to  
6 register with the Selective Service System, as required by federal  
7 law, face possible federal penalties and loss of federal benefits,  
8 including student financial assistance, federal employment, such  
9 as employment with the United States Postal Service, job training  
10 under the federal Workforce Investment Act (29 U.S.C. Sec. 2801  
11 et seq.), and citizenship for immigrants.
- 12 (c) California law requires selective service registration for state  
13 student financial aid, including Cal grants and financial aid for  
14 immigrants under the California Dream Act.
- 15 (d) The failure of young men to register with the Selective  
16 Service System has resulted in the lifetime loss of over  
17 \$100,000,000 in potential benefits over the last three years for  
18 young men in California.
- 19 (e) Forty states, four territories, and the District of Columbia  
20 have enacted legislation related to the issuance of a driver's license  
21 in support of the Selective Service System registration.
- 22 (f) To promote the fairness and equity of any future draft, to  
23 ensure that important benefits associated with the registration  
24 requirement are not lost, and to promote compliance with federal  
25 law, the driver's license application process should be revised so  
26 that every male applicant for an original driver's license who is  
27 between 18 and 26 years of age consents to his registration with  
28 the Selective Service System, as required by federal ~~law~~ law,

1 *unless the applicant declines automatic registration in the*  
2 *prescribed method.*

3 SEC. 2. Section 12801.3 is added to the Vehicle Code, to read:

4 12801.3. (a) Notwithstanding any other law, a person who is  
5 required to be registered under the federal Military Selective  
6 Service Act (50 U.S.C. App. Sec. 451 et seq.) and who submits  
7 an application for an original driver's license is deemed to have  
8 consented to registration with the federal Selective Service System.  
9 *System, unless the person complies with subdivision (d).*

10 (b) ~~The~~ *Unless the person complies with subdivision (d), the*  
11 *submission of an application for an original driver's license by a*  
12 *person specified in subdivision (a) shall establish a conclusive*  
13 *presumption that the person has done either of the following:*

14 (1) Registered with the federal Selective Service System in  
15 compliance with the federal Military Selective Service Act.

16 (2) Authorized the department to forward to the federal Selective  
17 Service System the necessary information for the Selective Service  
18 System registration when that person is required to register under  
19 the federal Military Selective Service Act.

20 (c) The department shall require an application for an original  
21 driver's license to include ~~a~~ *all of the following:*

22 (1) A notice indicating the following:

23  
24 “By submitting this application, I am consenting to registration  
25 with the Selective Service System, if required by federal law. If I  
26 am under 18 years of age, but at least 16 years of age, I understand  
27 that I will be registered upon reaching 18 years of age.”

28  
29 ~~(d) The department shall require an application for an original~~  
30 ~~driver's license to include a~~

31 (2) A notice indicating the following:

32  
33 “For applicants who object to conventional military service for  
34 religious or other conscientious reasons, alternative service  
35 information is available from the Selective Service System Internet  
36 Web site: <http://www.sss.gov/FSaltsvc.htm>”

37  
38 (3) *A notice with information regarding registration with the*  
39 *federal Selective Service System, including, but not limited to, the*  
40 *federal criminal penalties and potential loss of benefits for failing*

1 to register. The notice shall include the federal Selective Service  
2 System Internet Web site address that an applicant may use to  
3 decline automatic registration and information relating to the  
4 applicant's ability to decline automatic registration when applying  
5 for his original driver's license.

6 (d) An applicant may indicate that he does not consent to  
7 automatic registration with the Selective Service System by  
8 declining automatic registration on the Selective Service System  
9 Internet Web site described in paragraph (3) of subdivision (c)  
10 within 21 days of submitting his application.

11 (e) The department ~~shall~~ shall, at least monthly, forward to the  
12 federal Selective Service System, in an electronic format, the  
13 necessary personal information required for the registration of a  
14 person specified in subdivision (a).

15 (f) This section applies to United States citizens and immigrants  
16 who are 16 years of age or older but less than 26 years of age who  
17 are applying for an original driver's license and who are or will  
18 be required to register with the Selective Service System in  
19 accordance with the Military Selective Service Act.

20 (g) (1) (A) This section shall be implemented by the department  
21 only if all of the following conditions are satisfied:

22 (i) The implementation and first year operating costs do not  
23 exceed three hundred fifty thousand dollars (\$350,000).

24 (ii) Federal funding in an amount sufficient to pay for all  
25 implementation and first year operating costs has been provided.

26 (iii) The federal Selective Service System executes a  
27 memorandum of understanding with the department that it will  
28 not refer the personal information required for registration to the  
29 United States Citizenship and Immigration Services.

30 (B) On or before June 30, 2016, the Director of Motor Vehicles  
31 shall do all of the following:

32 (i) Determine whether the conditions specified in subparagraph  
33 (A) are satisfied.

34 (ii) Execute a declaration stating his or her determination of  
35 whether the conditions specified in subparagraph (A) are satisfied.  
36 The declaration shall state that it is being made pursuant to this  
37 section.

38 (iii) Retain the declaration and provide a copy within five  
39 working days of the execution of the declaration to the fiscal and  
40 appropriate policy committees of the Legislature, the Secretary of

1 State, the Secretary of the Senate, the Chief Clerk of the Assembly,  
2 the Legislative Counsel, and the federal Selective Service System.  
3 (iv) Post a copy of the declaration on the department's Internet  
4 Web site.  
5 (2) Subject to paragraph (1), the department shall implement  
6 subdivisions (a) to (f), inclusive, of this section on or before  
7 January 31, 2017.

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